

Questions and Answers on Regulatory Changes Being Proposed by the U.S. Fish & Wildlife Service for National Wildlife Refuges in Alaska

1. What are the proposed regulatory changes?

National Wildlife Refuges (refuges) in Alaska are mandated to conserve species and habitats in their natural diversity and ensure that the biological integrity, diversity, and environmental health of the National Wildlife Refuge System (Refuge System) are maintained for the continuing benefit of present and future generations of Americans. The U.S. Fish and Wildlife Service (USFWS) is proposing changes to the regulations governing Alaska refuges (under 50 CFR 36) to ensure that we are managing those refuges in accordance with our mandates and to increase consistency with other Federal laws, regulations, and policies. In addition, we aim to more effectively engage the public by updating our Public Participation and Closure Procedures to broaden notification and outreach methods, ensure consultation with Tribes and the State of Alaska (State), provide for increased transparency in our decision-making, and allow for additional opportunities for the public to provide input.

The changes we are proposing would:

- Codify existing Federal mandates for conserving the natural diversity, biological integrity, and environmental health on refuges in Alaska in relation to predator harvest. Predator control is defined as the intention to reduce the populations of predators for the benefit of prey species. Predator control is not allowed on refuges in Alaska, unless it is determined necessary to meet refuge purposes, Federal laws, or policy and is consistent with our mandates to manage for natural and biological diversity, biological integrity, and environmental health. The need for predator control must be based on sound science in response to a significant conservation concern. Demands for more wildlife for human harvest cannot be the sole or primary basis for predator control on refuges in Alaska.
- Prohibit the following particularly efficient methods and means for non-subsistence take of predators on refuges in Alaska due to the potential impacts to predator populations and the environment that are inconsistent with our mandates to conserve the natural and biological diversity, biological integrity, and environmental health on refuges in Alaska:
 - take of bear cubs or sows with cubs (*exception allowed for resident hunters to take black bear cubs or sows with cubs under customary and traditional use activities at a den site October 15 – April 30 in specific game management units in accordance with State regulations*);
 - take of brown bears over bait;
 - take of bears using traps or snares;
 - take of wolves or coyotes from May 1 – August 9; and
 - take of bears from an aircraft or on the same day as air travel has occurred (*same day airborne take of wolves or wolverines is already prohibited under current refuge regulations*).
- Update the Public Participation and Closure Procedures to make them more consistent with other Federal regulations and more effectively engage the public.

Important notes:

- These proposed changes would not apply to the take of fish or wildlife under Federal subsistence regulations or to defense of life and property as defined in State of Alaska (State) regulations (see 5 AAC 92.410).
- Hunting and trapping is considered a priority use of refuges in Alaska and most State of Alaska hunting and trapping regulations, including harvest limits, would still apply.

2. Why is the U.S. Fish & Wildlife Service proposing making these changes?

We are considering these regulatory changes to ensure that the taking of fish and wildlife on National Wildlife Refuges in Alaska is managed consistent with Federal laws, regulations, and USFWS policies. The proposed regulatory changes we are considering would clarify allowable practices for the non-subsistence take of wildlife on refuges in Alaska, as well as update existing Alaska refuge regulations for closures and restrictions.

The mission of the Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans. As such, refuges are required to work to conserve species and habitats for the long-term, benefiting not only the present, but also future generations of Americans and in Alaska, this includes the continuation of the subsistence way of life.

The USFWS is required by law to manage refuges “to ensure that . . . biological integrity, biological diversity, and environmental health are maintained” (National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997). The Alaska National Interest Lands Conservation Act (ANILCA) states that the primary purpose of the Act is “to preserve for the benefit, use, education, and inspiration of present and future generations certain lands and waters in the State of Alaska that contain nationally significant natural, scenic, historic, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife values...” The first purpose for all refuges in Alaska under ANILCA is to “conserve fish and wildlife populations and habitats in their natural diversity.”

In managing for natural diversity, the USFWS conserves, protects and manages all fish and wildlife populations within a particular wildlife refuge system unit in the natural ‘mix,’ not to emphasize management activities favoring one species to the detriment of another. The USFWS assures that habitat diversity is maintained through natural means on refuges in Alaska, avoiding artificial developments and habitat manipulation programs, whenever possible. The USFWS fully recognizes and considers that rural residents utilize and are often dependent on refuge resources for subsistence purposes and manages for this use consistent with the conservation of species and habitats in their natural diversity. The terms biological integrity, diversity, and environmental health are defined in the biological integrity policy, which directs the USFWS to maintain the variety of life and its processes; biotic and abiotic compositions, structure, and functioning; and to manage populations for natural densities and levels of variation throughout the Refuge System.

The overarching goal of the USFWS’s wildlife-dependent recreation policy is to enhance opportunities and access to quality visitor experiences on refuges and to manage the refuge to conserve fish, wildlife, plants, and their habitats (605 FW 1.6). We consider hunting to be one of many priority uses of the Refuge System (when and where compatible with refuge purposes) that is a healthy, traditional outdoor pastime, deeply rooted in the American heritage (605 FW 2).

These proposed regulatory changes are aimed at ensuring that natural ecological processes and functions are maintained and wildlife populations and habitats are conserved and managed to function in their natural diversity on Alaska refuges.

3. Will the proposed regulatory changes apply to subsistence hunting and trapping on National Wildlife Refuges?

We recognize the importance of fish and wildlife and other natural resources in the lives of all Alaskans and in the lives and cultures of Alaska Native peoples. We take seriously our responsibility to provide the opportunity for continued subsistence use by rural Alaskans on refuges under ANILCA. These proposed regulatory changes will not change Federal subsistence regulations (36 CFR 242 and 50 CFR 100) or restrict taking of fish or wildlife under Federal subsistence regulations.

We recognize there may be some impacts to local communities that result from these changes. We have worked to address concerns that were raised during Tribal consultations and early public scoping in rural communities, and are open to discussing others that arise through the public comment process.

4. What authority does the U. S. Fish & Wildlife Service have to establish hunting and trapping regulations? Isn't it the State's job to manage wildlife in Alaska?

We recognize that the State has obligations to manage wildlife in Alaska according to the directives in the State constitution. The USFWS similarly must ensure that activities on refuges are consistent with Federal laws and USFWS policy and has final authority for managing plants, fish, and wildlife on refuges in Alaska. We prefer to defer to the State on regulation of hunting and trapping on refuges in Alaska; unless, in doing so, we are out of compliance with Federal laws and USFWS policy.

**5. What is the process and timeline for making these regulatory changes?
Can I participate?**

We have been consulting with Alaska Tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations, as well as having discussions with the State and Federal Subsistence Regional Advisory Councils on the changes we are considering. We anticipate publishing a proposed rule (draft regulations) in the Federal Register around mid to late July of 2015, at which time a 90 day public comment period will begin. We have prepared an Environmental Assessment (EA) in accordance with the requirements of the National Environmental Policy Act (NEPA) for these proposed regulatory changes, which will be made available for comment at the same time. Public input is very important to us and in order to allow additional time for folks to provide input, we will be offering a 90 day comment period, as opposed to the traditional duration of 30 days. During the public comment period, we plan to hold meetings and hearings around the state in locations near Alaska refuges and other locations as appropriate. Comments and input we receive will inform the revision and finalization of the proposed rule. Our goal is to have a final rule published sometime in the beginning of 2016.

Local engagement is very important to us and we are committed to providing meaningful opportunities for consultation with the Tribal Governments and ANCSA Corporations in Alaska. We greatly value local knowledge in our work and are committed to strengthening our Tribal-Federal government relations by working closely with the Tribes on conservation issues in Alaska.

We would like to hear from you, whether at a community meeting or via written comment. We welcome public comment during the comment period, and will continue to offer Tribal Consultation to Federally recognized Tribes and ANCSA Corporations through the end of the comment period.

For the most current information, visit http://www.fws.gov/alaska/nwr/ak_nwr_pr.htm.